


Variances

- (a) Any other provisions of this chapter notwithstanding, the variance procedures set forth in this section shall apply to requests for variances from the requirements of Subsections (b) and (c) of Section 43-63 of this code.
- (b) The City Engineer shall hear and render judgment on requests for variances from the requirements of this article within 10 working days of the filing of a complete application for a variance.
- (c) If the applicant determines that the restrictions set forth in Subsections (b) and (c) of Section 43-63 of this code cannot be met, the applicant may apply in writing for a variance. The application for a variance shall be on such form or forms as the City Engineer may reasonably require and shall detail the reasons for the variance.
- (d) The City Engineer may grant a variance provided there is a hardship that is not self-created, not a result of the applicant's failure to obtain a required development permit prior to beginning development and not due entirely to financial constraints. Items that may create a hardship for which a variance may be granted include, but are not limited to, the following: the health, safety, and welfare of the public; sight distance at intersections and driveways; sidewalk requirements; drainage requirements; Federal Emergency Management Agency (FEMA) requirements; utility installations; Americans With Disabilities Act (ADA) requirements; building foundation requirements; slope stability requirements; and requirements or restrictions placed on development by government authority.
- (e) The variance shall be the minimum necessary to afford relief, and the City Engineer may attach such conditions to the variance as are reasonably necessary to further the purpose and objectives of this article. Each condition placed on the variance by the City Engineer shall constitute an ongoing condition of the development permit, and the applicant shall comply with each such condition during the development of the subject property.
- (f) The burden of proof in all variance proceedings shall always be on the applicant.
- (g) Any applicant to whom a variance is granted shall be given written notice stating the extent of the variance and any conditions established by the City Engineer.
- (h) The denial of a variance or a condition placed upon a variance may be appealed to the Construction Advisory and Appeals Board under the procedures set forth in section 43-66 of this code.

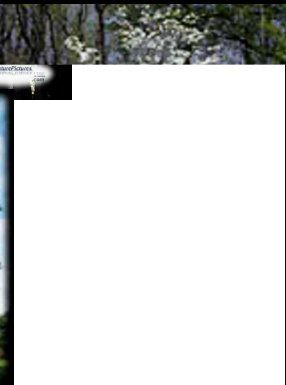



Real East Texas
CITY OF LONGVIEW
PLANNING AND ZONING

For a copy the entire Tree Preservation Ordinance visit:
www.cityoflongview.com

Questions about the Tree Preservation Ordinance
Planning and Zoning
903-237-1072

Questions about Development Permits
Engineering
903-237-1362



City Of Longview
410 S. High St.
P.O. Box 1952
Longview, Texas 75606

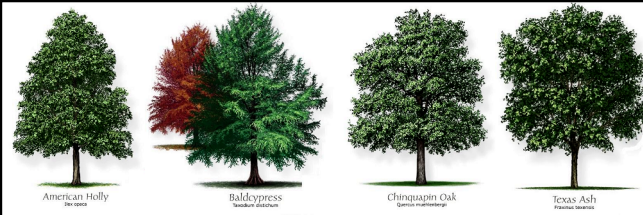
Tree Preservation Requirements



Introduction

The purpose of the tree preservation ordinance is to:

- Balance preservation of the City's natural landscape with the promotion of development
- To protect and increase property values through regulating indiscriminate clearing within the City of Longview



Visit texasforestservice.tamu.edu for information about trees and planting guidelines.

Definitions

Exempt tract: shall mean a plot of land that is five (5) acres or less in area and is either (i) an existing platted lot or (ii) a tract of land that may legally be built upon without having to comply with the requirements of Chapter 92 of this code.

Protected tree: shall mean a tree having a predominant trunk measuring six (6) caliper inches or more in diameter when measured four and one half feet above grade.

Single-family dwelling: shall mean a single structure designed and constructed with only one living unit under a single roof for occupancy by one family.

Two-family dwelling: shall mean a single structure designed and constructed with two living units under a single roof for occupancy by two families.

Development Permit Requirements

A development permit shall not be issued unless the applicant demonstrates all of the following:

- the subject activity will comply with all applicable provisions of the Drainage Criteria and Erosion Control Manual;
- no more than fifty percent (50%) of protected trees on the subject property will be removed;
- the subject property will retain a minimum average of twenty (20) protected trees per acre or (ii) if the subject property has less than an average of twenty (20) protected trees per acre, then no protected trees will be removed; and
- at least one of the owners of the subject property has signed the application for a development permit as an applicant.

Each provision of this section shall constitute an ongoing condition of each development permit, and the applicant shall comply with each provision of this section during the development of the subject property.

Exemptions

The subject property is exempt from the requirements of Subsections (b) and (c) of Section 43-63 of this code if the applicant demonstrates that one or more of the following apply to the subject property:

- (a) (i) a valid site plan applies to the subject property and (ii) there is a valid building permit for the subject property or an application for a building permit is pending for the subject property;
- (b) a valid pre-submission proposal has been approved and accepted by the city for the subject property;

- (c) the subject property is an exempt tract and (i) an application for a building permit is pending for a single-family dwelling or a two-family dwelling and any accessory uses or (ii) a single-family dwelling or a two family dwelling is already located on the subject property;
- (d) the subject property is zoned agricultural (Ag) by the zoning ordinance;
- (e) the subject property is currently appraised for *ad valorem* tax purposes as timber land under Subchapter E of Chapter 23 of the Texas Tax Code;
- (f) the subject property is owned by a governmental entity; or
- (g) the applicant is a utility company and the subject activity consists of the clearing of public or private easements or rights-of-way for the purpose of installing, removing, maintaining, expanding, improving, repairing, inspecting or otherwise performing work on facilities used for the delivery of utilities to the general public.

Each exemption in this section demonstrated by the applicant to apply to the subject property shall constitute an ongoing condition of the development permit for the subject property. The applicant shall ensure the continued existence of each such exemption during the development of the subject property. If a demonstrated exemption ceases to apply to the subject property, the applicant shall notify the City Engineer as soon as reasonably practicable of said change. The subject property shall not be exempt from the requirements of Subsections (b) and (c) of Section 43-63 of this code beginning on the date on which all exemptions demonstrated by the applicant under this section cease to apply to the subject property.